

SHARON ZONING BOARD OF APPEALS
Draft until approved at the next regular meeting

A special meeting of the Sharon ZBA was held on October 22, 2018 at 6:00PM at the Town Hall. Present were regular members Tortorella, Dignacco, Young, Bancroft and Trowbridge; alternates Drew (6:05) and Blagden (6:14); Ed Ustico and the secretary.

Chairman Trowbridge called the meeting to order at 6:00.

The first item on the agenda was a public hearing on an application for a variance at 22 Old Route 7. The legal notice was read as it appeared in the newspaper. Mr. Ustico presented the application explaining that the previous house along with numerous outbuildings have been removed with the house being rebuilt in a different location on the long and narrow lot. With the way that the house sits, the angle of the boundary line and having a natural bank on the other side of the lot, the proposed location of the garage is the preferable location as it would not be in the front line of the house. There are other options: don't build the garage OR move it farther away from the house. With all questions answered, Mr. Bancroft made a motion to close the hearing, seconded by Mr. Tortorella, with all in favor. The hearing was closed at 6:30.

The Board discussed in length if a hardship existed as there are other alternatives. They also mentioned the recent court case that Attorney Byrne spoke to them about – personal preference is not allowable in granting a variance especially when the permitted use of the lot exists. After some discussion, Mr. Dignacco made a motion to deny the application due to the lack of a hardship, seconded by Mr. Young, with all in favor. The hearing and deliberations were taped and are on file at the Town Hall.

The draft Rules of Procedure that Attorney Byrne suggested that the Board have was reviewed. They agreed that Board meetings shall adjourn no later than 9PM and may extend a meeting past 9:15PM by a majority vote. With the time inserts and a typo correction, Mr. Dignacco made a motion to adopt the Rules of Procedure, seconded by Mr. Young, with all in favor.

With nothing further, Mr. Bancroft made a motion to adjourn, seconded by Mr. Tortorella, with all in favor. The meeting was adjourned at 6:43.

Respectfully submitted,



Tina Pitcher, Recording Secretary

NEXT QUARTERLY MEETING: NOVEMBER 19 6:30PM

RECEIVED
2018 OCT 23 A 10:50
SHARON TOWN CLERK

SHARON, CONNECTICUT, ZONING BOARD OF APPEALS
RULES OF PROCEDURE

General Rules:

1. These Rules shall be available in the office of the Recording Secretary (Selectmen's Office). As soon as practicable, these Rules shall be available to the public on the Town of Sharon Website.
2. The Recording Secretary of the Sharon Zoning Board of Appeals shall provide a copy of these Rules to any person who files an appeal or application to the Board (the form for which shall acknowledge receipt of such copy) or who inquires of the Recording Secretary in person about doing so or about any Board hearing. The Recording Secretary shall inform persons who inquire in other ways about filing appeals or applications to the Board, or about any Board hearing, about the existence and availability of these Rules.
3. Persons filing appeals or applications to the Board are responsible for the completeness of their appeals or applications and their compliance with these Rules, whether or not the Recording Secretary of the Board fulfills the requirement of Rule 2; PROVIDED, however, that the Board shall postpone a public hearing on a request of an applicant or appellant if the Board finds he or she did not receive these Rules at or before the filing of the appeal or application.
4. Zoning Board of Appeals are quasi-judicial bodies whose fairness and impartiality should be clear to all. All parties, fellow Board members, the general public and any reviewing courts are entitled to know the evidence considered by Board members in deciding appeals or applications. Therefore, no member of the Board shall undertake his or her own investigation of facts presented, or expected to be presented, in matters before the Board, or of facts believed to be relevant to such matters, unless a) he or she does so before the public hearing on the matter has been concluded and b) during the public hearing, the member states each observation of fact resulting from such investigation which the member believes is relevant to the matter and produces for examination by the parties, the public and the other members of the Board each document or thing resulting from such investigation which the member believes is relevant to the matter.
 - a) Any Board member may view the subject property from a public road or other public property (without going on the subject property) without permission of the applicant, appellant or owner; provided that the Board member shall comply with the Freedom of Information Act.
 - b) Any Board member may go on the subject property with the permission of the applicant or appellant, and of the property owner (or owner's authorized agent); provided the Board member shall comply with the Freedom of Information Act.
 - c) Whenever a member of the Board undertakes and reports on his or her own investigation in accordance with Rule 4, the Board shall not close the public hearing until all persons the Board knows to be interested in the result of such investigation have had, or have waived, a reasonable opportunity to respond to such investigation.
5. The Sharon Zoning Enforcement Officer is party to all appeals and applications to the Board. However, if the Zoning Enforcement Officer is not present at any session of the public hearing, the Board may, Rule 4(c) notwithstanding, close the public hearing if the Board finds, by majority vote, that no information or document resulting from a Board member's investigation under Rule 4 is reasonably likely to be required, in the public interest, a response from the Zoning Enforcement Officer.

6. The Board may postpone (without beginning) any hearing on account of absence of a quorum or for other good cause. The Board may recess a hearing to a later time on the same day, or to the next regular meeting, or to a special meeting. The cause of the postponement or recess and the date, time and place of the continued hearing shall be announced at the time of the postponement or recess.

Rules for Public Hearings.

The Sharon Zoning Board of Appeals shall follow this order in public hearings, provided that exceptions may be made in cases where the Board finds there is good cause and votes to make an exception.

1. Call to order.
2. Seat alternates for absent regular members.
3. Read aloud the legal notice of the public hearing.
4. The Chairman shall state the following public hearing procedures:
 - a. The applicant/appellant has the floor during presentation of his or her appeal or application.
 - b. Interruptions are not permitted, except by the Chairman or by a member making a point of order.
 - c. The Chairman may interrupt at any time to preserve order and propriety, to minimize departures from what is pertinent to the appeal or application, or to entertain points of order from members of the Board.
 - d. Only one person is to speak at a time.
 - e. The Chairman determines who has the floor.
5. The appellant/applicant makes his or her presentation.
6. Board members next ask questions. The Chairman will call upon each Board member who wishes to speak or to ask a question, unless the Chairman finds that the member is out of order.
7. When the first round of Board member questions is concluded, the Chairman shall call for statements or other evidence from the public. Members of the public wishing to speak will be called upon by the Chairman. A time limit to speak may be set. Once all persons wishing to speak have done so, the Chairman may allow individuals a second chance to speak, again with a time limit. All public questions or comments shall be directed to the Chairman: questions shall be through the Chairman. The Chairman shall give the parties the opportunity to answer all such questions which seek relevant information or are otherwise proper.
8. The appellant/applicant may answer questions and/or respond to comments from the public. The Chairman shall determine whether this is to be done one question or comment at a time or in groups of questions or comments, which may be from one person or multiple people.
9. Additional comments or questions from Board or Zoning Enforcement Officer.
10. Additional comments or questions from public, with time limit.
11. Letters and correspondence received for or at the public hearing should be noted for the record but need not be read aloud; there are some exceptions, such as reports from mandatory referrals to a regional planning agency. Voluminous or repetitive materials, and maps or other graphic material, need not be read into the record.
12. The Chairman will close or continue the hearing, in accordance with the Board's vote. Once the hearing is closed, no further communication of any kind will be accepted by the Board from the parties or the public on the matter.

13. Board meetings shall adjourn no later than 9 p.m., with a 15 minutes discretionary period.
The Board may extend a meeting past 9:15 p.m. by a majority vote.

Voted to adopt: _____

Date: _____

I, _____ have received a copy of the Rules of Procedure to the Sharon Zoning Board of Appeals.

Signed,

Print name